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THE LINK BETWEEN ANIMAL CRUELTY AND VIOLENT CRIME

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The Importance of Animal Cruelty & The Link to Family Violence



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- "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Mahatma Gandhi
 - "Think occasionally of the suffering of which you spare yourself the sight." Albert Schweitzer
 - "All that is necessary for the triumph of evil is that good men do nothing." Edmund Burke

Outdated Excuses for Behavior

- **DUI – “It’s only a joyride.”**
- **Domestic Violence – “It’s only a family matter.”**
- **Animal Cruelty – “It’s only an animal, boys will be boys.”**

Why do People Abuse Animals?

- A few reasons:
 - Lack of education
 - Mental Health
 - Inappropriate Response
 - Power and control
 - Elicit a response
 - Serial killers

- Animals can be abused and neglect in many different ways.
- The motivation or reason for the crime may be different for each suspect.
- How was the animal killed or injured?
- How did the animal suffer will be important to your investigation.



Ticks on a Spanish Galgo



Prosecution of Animal Cruelty Fighting Attitudes

- Judges
- Officers
- Other prosecutors
- Defense attorneys
- The law itself: animal = toaster
- . . . yet public outcry
- Community standards for what is reasonable care changing yet...

Prosecution of Animal Cruelty English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to “Introduction to the Principles of Morals and Legislation” (1781)
- **Argued that the capacity for suffering is what gives a being the right to legal consideration.**
- **“The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *suffer*?”**

WHAT DOES ANIMAL CRUELTY LOOK LIKE?



Abandonment



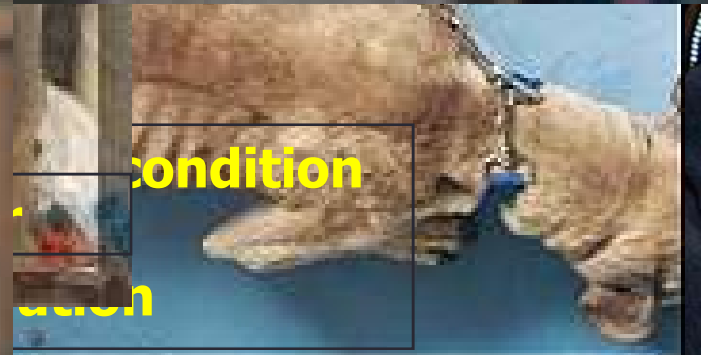
Lack of veterinary care



Lack of Sanitation



Evidence of fighting



Malnutrition

Arizona Animal Cruelty Statute

- A.R.S. 13-2910
 - 13 subsections
 - 8 misdemeanors
 - 5 felonies
- A.R.S. 13-2910.01; animal fighting C5F
- A.R.S. 13-2910.03; cockfighting C5F
- Interesting that included in the offenses against public order section

Arizona Revised Statutes

ARS 3-1721 Mistreated Horses / Seizure

ARS 11-1023 Unauthorized Release of Animals

ARS 11-1024 Service Animals

ARS 11-1025 Dog Bites –Liability

ARS 11-1029 Authority to Seize /Notification/Bonding

ARS 13-1411 Bestiality

13-1802 Theft of an Animal for FIGHTING

ARS 13-2910 -2910.01-2910.09 Animal Cruelty/Animal Fighting

ARS 13-3601 Domestic Violence (Animal Cruelty)

ARS 32-2239 Mandatory Reporting- Veterinarians

ARS 44-1799-1799.09 Pet Dealers

- A.R.S. § 13-3601: "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, **section 13-2910, subsection A, paragraph 8 or 9**, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

- A.R.S. § 13-3602 (G)(7): Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.

Arizona Animal Cruelty Statute

DEFINITIONS

- Animal: a mammal, bird, reptile, or amphibian.
- Cruel neglect means “to fail to provide necessary food, water, or shelter.
- ---NOT ADEQUATE, but necessary.
- Interesting to note that an 1867 New York law imposed a duty to provide “sufficient quality of good and wholesome food and water”

Arizona Animal Cruelty Statute

Definitions

- Cruel Mistreatment means “to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes protracted suffering to the animal.”
- Protracted vs. “painless” death.
- No definition of torture

Arizona Animal Cruelty Statute

Definitions

- Service animal means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle, AND that is trained not to pose a danger to the health and safety of the general public.
- Seeing eye dog. Must be certified!! Obtain certification from dog's owner/handler.

Arizona Animal Cruelty Statute: Section 1 Misdemeanor

- Intentionally, knowingly, or recklessly subjects any animal to cruel neglect or abandonment.
- Huge problem now with the economy and foreclosures
- Don't have enough police manpower

Arizona Animal Cruelty Statute

Section 2 MISDEMEANOR

- Intentionally, knowingly, or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's care or control.
- Affirmative responsibility to seek medical care. Reckless behavior is no excuse under the statute.

Arizona Animal Cruelty Statute Section 3

MISDEMEANOR

- Intentionally, knowingly, or recklessly inflicts unnecessary *physical* injury to an animal.
- Minor injury qualifies.
- Ex. Throwing dog out of truck, scrapes to back end, but no *serious injury*
- Must have injury though. Kicking the dog with no injury not enough.

Arizona Animal Cruelty Statute

Section 4 Misdemeanor

- Recklessly subjects any animal to cruel mistreatment.
- Counterpart to *felony section 9*. Difference is the mental state. Behavior that is required in section 4 is recklessness. Subsection 9 is intentional or knowing behavior.

Arizona Animal Cruelty Statute Section 5

Misdemeanor

- Intentionally, knowingly, or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
- Death.....does not matter how inflicted.

Arizona Animal Cruelty Statute Section 6

Misdemeanor

- Recklessly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.

Arizona Animal Cruelty Statute Section 7

Misdemeanor

- Intentionally, knowingly, or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
- A peace officer, animal control enforcement agent, or animal enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

Section 8 Felony

- Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
- Absence of "reckless" mindset.

Section 9 Felony

- Intentionally or knowingly subjects any animal to cruel mistreatment.
- Catch-all (or most of) felony section. Most felony cruelty cases are charged under this section of the statute.
- Torture....added element, not defined.

Subsection 10 Felony

- Intentionally or knowingly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.
- Felony counterpart to section 6. Only difference is mindset.

Section 11 Felony

- Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service dog.

Section 12 Misdemeanor

- Recklessly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service animal.

Section 13 Felony

- Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
- Mindset
- Don't steal a seeing eye dog.

Animal Fighting A.R.S. §13-2910.01

- Knowingly (required in all three sections)
- Owning, possessing, keeping or training any dog with the intent that such dog engage in an exhibition of fighting with another dog.
- Class five felony.
- Changed in 2009 from dog fighting

Animal Fighting Section 2 Felony

- Knowingly
- For amusement or gain causing any dog to fight with another dog, or causing any dogs to injure each other.
- Class five felony

Animal Fighting Section 3 Felony

- Knowingly
- Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.
- Class 5 felony

Presence at Animal Fighting A.R.S. §13-2910.02

- Any person who is knowingly present at any place or building where preparations are being made for exhibition of the fighting of dogs, or is present at such exhibition, is guilty of presence at dogfight.
- Class six felony

Cockfighting A.R.S. §13-2910.03

- Knowingly
- Owning , possessing, keeping, or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.
- Class five felony

Cockfighting

- Knowingly
- For amusement or gain, causing any cock to fight with another cock, or causing any cocks to injure each other.
- Class five felony.

Cockfighting

- Knowingly
- Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.
- Class five felony.

Presence at cockfight - Misdemeanor

A.R.S. §13-2910.04

- Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting cocks, or is present at such exhibition, is guilty of presence at a cockfight.
- Class one misdemeanor.

A.R.S. § 13-2910.07

- Took effect December 31, 2012
- Cruel and inhumane confinement of pig during pregnancy or calf raised for veal

A.R.S. § 13-2910.09. Equine tripping

- A. A person who knowingly or intentionally trips an equine for entertainment or sport is guilty of a class 1 misdemeanor.
- B. A person who is convicted of a first violation of this section:
 - 1. Shall be sentenced to serve not less than forty-eight consecutive hours in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
 - 2. Shall pay a fine of not less than one thousand dollars.

- C. A person who is convicted of a second violation of this section:
 - 1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
 - 2. Shall pay a fine of not less than two thousand dollars.
- D. A person who is convicted of a third or subsequent violation of this section:
 - 1. Shall be sentenced to serve not less than ninety consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
 - 2. Shall pay a fine of not less than two thousand dollars.
- E. This section does not apply to any jumping or steeplechase events, racing, training, branding, show events, calf or steer roping events, bulldogging or steer wrestling events or any other traditional western rodeo events, including barrel racing, bareback or saddled bronc riding or other similar activities or events.
- F. For the purposes of this section:
 - 1. "Equine" means a horse, pony, mule, donkey or hinny.
 - 2. "Trips" means knowingly or intentionally causing an equine to lose its balance or fall by use of a wire, pole, stick or rope or any other object or by any other means

Exempt Activities


- Activities that are exempt from cruelty statutes are activities involving:
 - Training
 - Hunting
 - Ranching
 - Farming
 - Rodeo Shows
 - Security services

Defense to cruelty to animals

- Defense if the activity charged involves
 - Lawful pursuit of hunting
 - Ranching
 - Farming
 - Rodeo shows
 - Security services

Witnesses Needed Even if Not Listed in Report

- MUST call a vet as a witness in the trial to fight defenses
- Also, in certain cases MUST have a vet examine the animal to rule out defenses
- Include temperature in report
- Try to obtain inside temperature

- 
- Civil seizure (A.R.S. §13-4281)
 - Local ordinances (both for criminal and seizure)

Theft 13-1802 (E)

- Theft of any property or services valued at less than \$1000 is a class one misdemeanor UNLESS the property is taken from the person of another is a firearm or is AN ANIMAL taken for the purpose of animal fighting which is a class 6 felony
- Amended 7/13/09 to insert animal for dog

THINK OUTSIDE THE BOX

- Disorderly Conduct
- DV
- Arson . . .

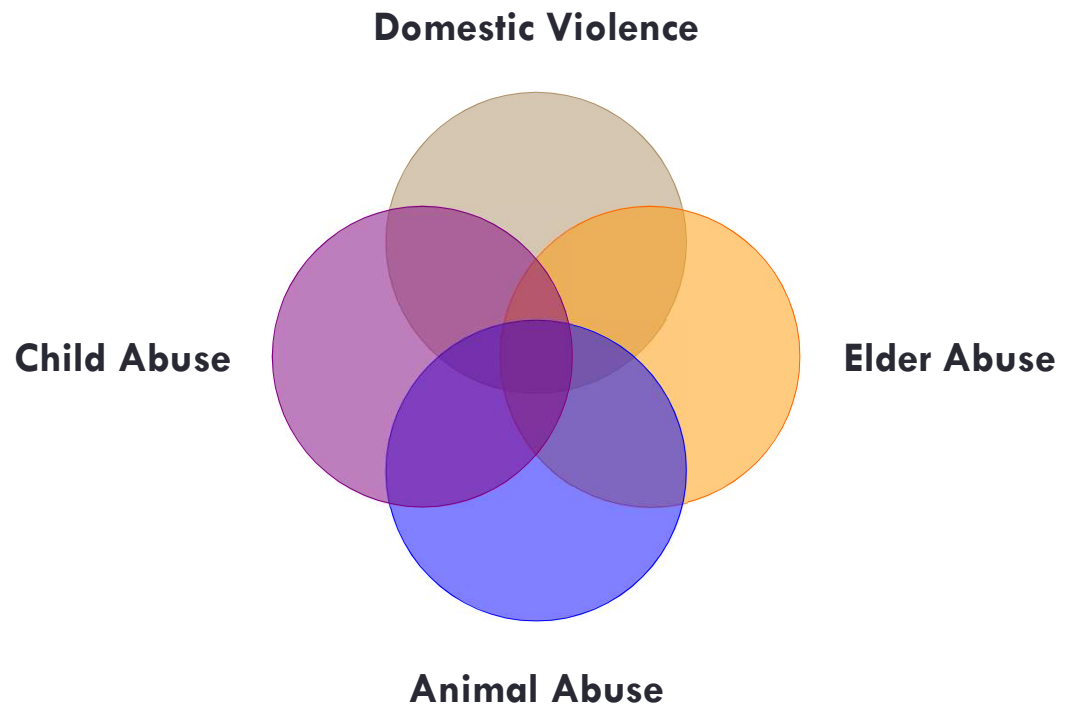
Remember

- Important to recognize animal cruelty case in and of itself
- The animal cruelty case can be a key to a different case
- DV/Child Abuse/Child Neglect Cases
- Necropsy
- Freezer v. Fridge
- Get vet involved!!!

What is “The LINK?”

Is there a link between:
violence to animals and violence to people?

Do researchers see a link?



The LINK: It's all in the Family!

Families = adults, children and pets.

- 70% + of U.S Households with children have pets. (American Veterinary Medical Association, 2007)
- Pets are in 63% of U.S. households
(The American Pet Products Association Survey, published in Pet Age, 2008)
- Having a pet is associated with more chances for social interaction
(Wood, Giles-Corti, & Bulsara, 2005)



The LINK: Studies do show a relationship.

1. Do abusers threaten pets?
(Ascione, Weber & Wood, 1997)
2. Does animal abuse & family violence occur in the same home?
(DeViney, Dickert & Lockwood, 1983)
3. Do the abused become abusers?
(Ascione, 2005)



The LINK: Experts see co-occurrence

- Co-occurrence: occur together.
- Correlation: occur together in a way not expected on the basis of chance.
- Co-occur is not the same as prediction.
(Patterson-Kane, Piper, 2009)
- Research shows correlation, but does not yet show causation.
- Caution in our assumptions, not in our protection of victims and research and treatment for perpetrators.



The LINK: Recent study sees “red flag”.

2009 study: survey of 860 college students

(Is Animal Cruelty a “red flag” for Family Violence? Journal of Interpersonal Violence, DeGue & DiLillo, June 2009)

- 60% of those who witnessed or perpetrated animal abuse also experienced family violence.
- 30% of family violence victims experienced animal cruelty.



The LINK: Animal Cruelty Statistics

- 71% of abused women report that their batterers have threatened to hurt/kill their pets and have done so
- 32% of battered women with children report that their children have hurt or killed pets.
- 25%-48% of battered women delay leaving an abusive situation for fear of what will happen to her pet if left behind

The Link Between Animal Abuse And Domestic Violence

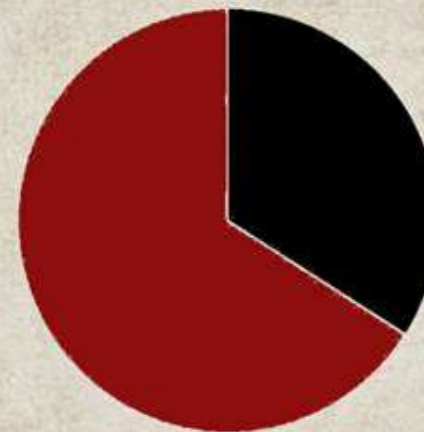
1 in 4 women
will be a victim
of domestic violence
in their lifetime



In many domestic abuse situations the family pet is the only source of kindness and compassion for the victim.

This high dependence and attachment for the pet is commonly used as a means of control by the abuser

In a shelter
71% of the women
with pets reported
that their partner
had threatened, hurt,
or killed their pet (Ascione, 1998)



34% of women
had delayed
leaving out of
concern for
their pet's safety
Many others will
simply not
attempt to leave.



"He held my daughters pets out of the upstairs window, and threatened to drop them if we did not return home"

"Daddy was always drunk and angry. He used to kick the cat and hit mummy. He scares me"

The LINK: Animal Cruelty Statistics

- 40% of battered women report that they have been forced to participate in sexual acts with animals as part of their domestic terrorization
- 48% of rapists have committed acts of animal cruelty as children or adolescents
- 30% of child molesters have committed acts of animal cruelty as children or adolescents

The LINK: Animal Cruelty Statistics

- 15% of all rapists also rape animals
- 80% of homes in which animal control agencies found abused/neglected pets there had been previous investigations by child welfare agencies of physical abuse and neglect.

DOMESTIC VIOLENCE & PETS

AN ESTIMATED

1 MILLION

ANIMALS ARE **ABUSED OR KILLED**
EACH YEAR IN CONNECTION WITH
DOMESTIC VIOLENCE.



71% OF DOMESTIC
VIOLENCE VICTIMS
REPORT THAT THEIR ABUSER
**ALSO TARGETED
THEIR PET.**

The LINK - FBI and UCR

- Patrick's case:
- An animal, like a child, is an easy target since s/he cannot pick up the phone and dial 911



The LINK - FBI and UCR

- Previously grouped in “All other offenses”
- FBI now mandating that animal cruelty be reported as a distinct offense
- Now considered a crime against society
- Type A offense category that includes crimes of serious nature including arson, burglary, kidnapping and homicide

The LINK - FBI and UCR

- Four categories
 - Simple/gross neglect
 - Intentional abuse and torture
 - Organized crime (such as dog and cock fighting)
 - Animal Sexual Abuse
- Data collection began 2016 and should be available sometime this year
- “[Animal cruelty is] a violent crime, and if it does unchecked, it leads to bigger things.” Victor Amato, Monmouth County SPCA

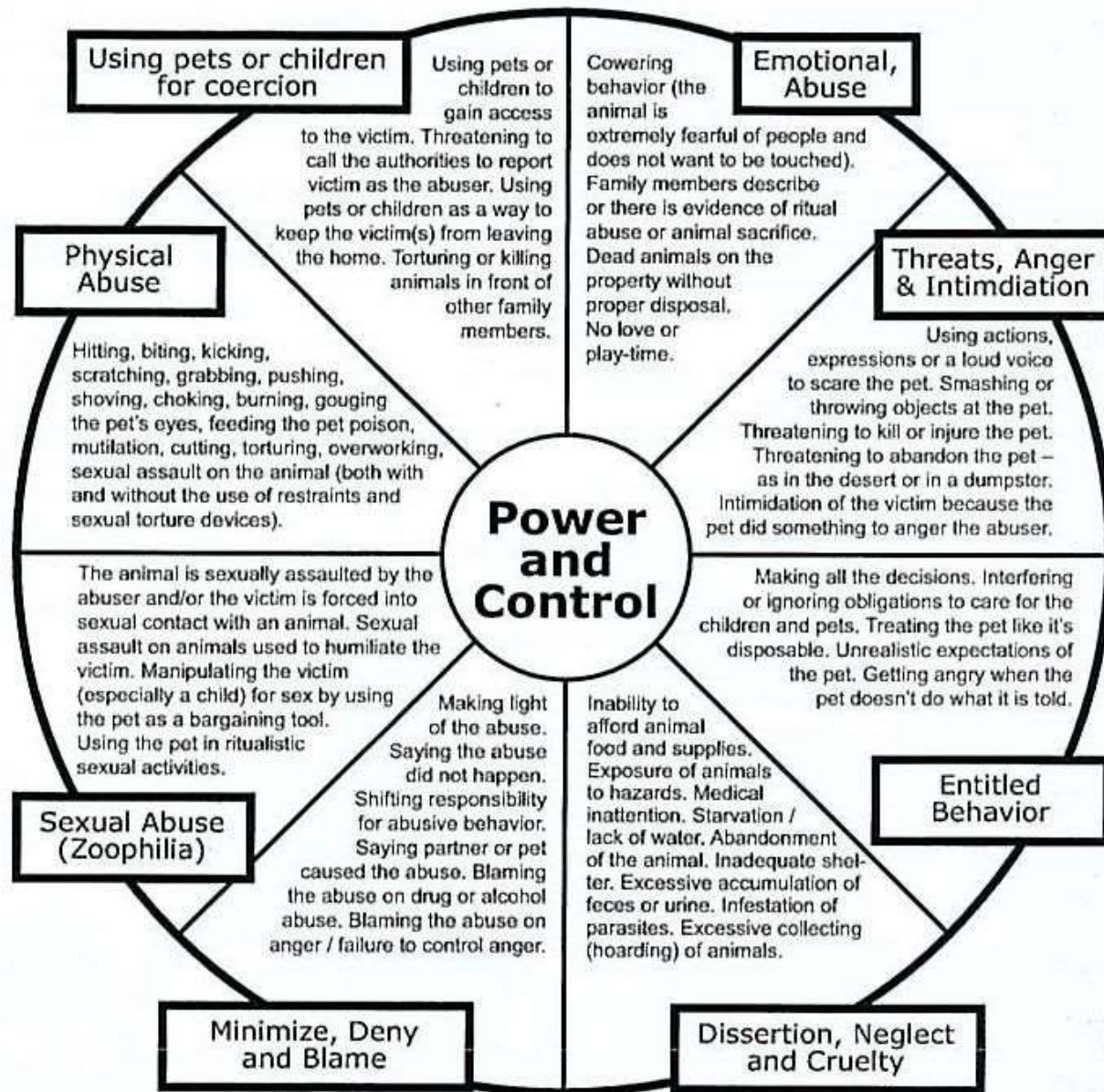
The Link – Animal Cruelty and Other Crimes

- Arrests for animal sexual abuse have risen more than 600% in the last 7 years and **bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse**
- A study of 44,202 adult males evaluated for sexual misconduct found that bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse. (Abel 2008)
- Individuals convicted of bestiality are the most likely to “cross-over” into other forms of criminal behavior – moving from non-contact offenses like trespassing to contact offenses like rape (Abel 1999)
- Dog fighters and pedophilia and child pornography

Animal Cruelty – Link to Mental Health

- Animal cruelty is included as one of the symptoms of “conduct disorder” (American Psychiatric Association, 2013)
- Hoarding is in the DSM-5, but there is not an official subtype of “animal hoarding” (Psychiatric Times, *The Hoarding of Animals: An Update*; Randy Frost, April 30, 2015)
- Animal hoarding is a mental health issue that must be treated in order to avoid continuing abuses (Patronek, 2006, 2008)

Animal Abuse Power Wheel:



Why Do Batterers Abuse Animals?

- To exercise power and control
- To perpetuate the context of terror
- To further isolate their victims
- To force family to keep violence a secret
- To retaliate for Acts of independence
- To prevent victim from leaving or punish her for leaving

Why Do Batterers Abuse Animals?

- Because animal abuse may be minimized, carry few penalties or be socially sanctioned
- To express human aggression through an animal
- Displacement of hostility from a person to an animal
- To enhance aggressiveness
- To shock people for amusement
- To retaliate against and animal
- To control an animal

Forms in the context of Family Violence

- Batterer kills a pet to punish the family
- Batterer threatens to kill a pet to secure silence for sexual abuse
- Children kill pets to rehearse their own suicide
- Children kill before a dominant adult can do so
- Individuals tortures an animal as gang initiation rites or to gain status from peers

Forms in the context of Family Violence

- Batterers force partners to engage in sex with family pet
- Children create a fiercely loyal bond with an animal and escape to an imaginary world where the abuser cannot hurt them
- Adult victims of domestic violence prolong leaving an abusive relationship due to the fear of harm to the family pet

Prosecution of Animal Cruelty English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to “Introduction to the Principles of Morals and Legislation” (1781)
- **Argued that the capacity for suffering is what gives a being the right to legal consideration.**
- **“The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *suffer*?”**

Prosecution of Animal Cruelty Predictor

- “It has long been accepted among professionals who must assess dangerous populations that the best predictor of future behavior is past behavior and a past history of violence is the single most important predictor of future violence... Violence against animals is violence and when it is present it is ... synonymous with a history of violence.”
- *FBI Supervisory Special Agent Alan C. Brantley at a Congressional Briefing, May 13, 1998*

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

FAMOUS ANIMAL ABUSERS



TED BUNDY



JEFFERY DAHMER



DAVID BERKOWITZ



MICHAEL VICK

THE LINK BETWEEN ANIMAL CRUELTY AND HUMAN VIOLENCE IS INDISPUTIBLE.

Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals



H.H. Holmes, aka Herman Mudgett, considered to be America's first serial killer. He was responsible for killing as many as 50 women in the 1890's.

As a child he reportedly attacked animals in the woods and dissected them while they were still alive. He was executed in 1896.

Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals



- On January 29, 1979, Brenda Spencer opened fire with a rifle on a school in San Diego, injuring eight children and killing the school principal and custodian. Her explanation was : “I don’t like Mondays.. this cheers up my day.”
- As a younger child she reportedly enjoyed setting fire to the tails of dogs and cats.

Prosecution of Animal Cruelty

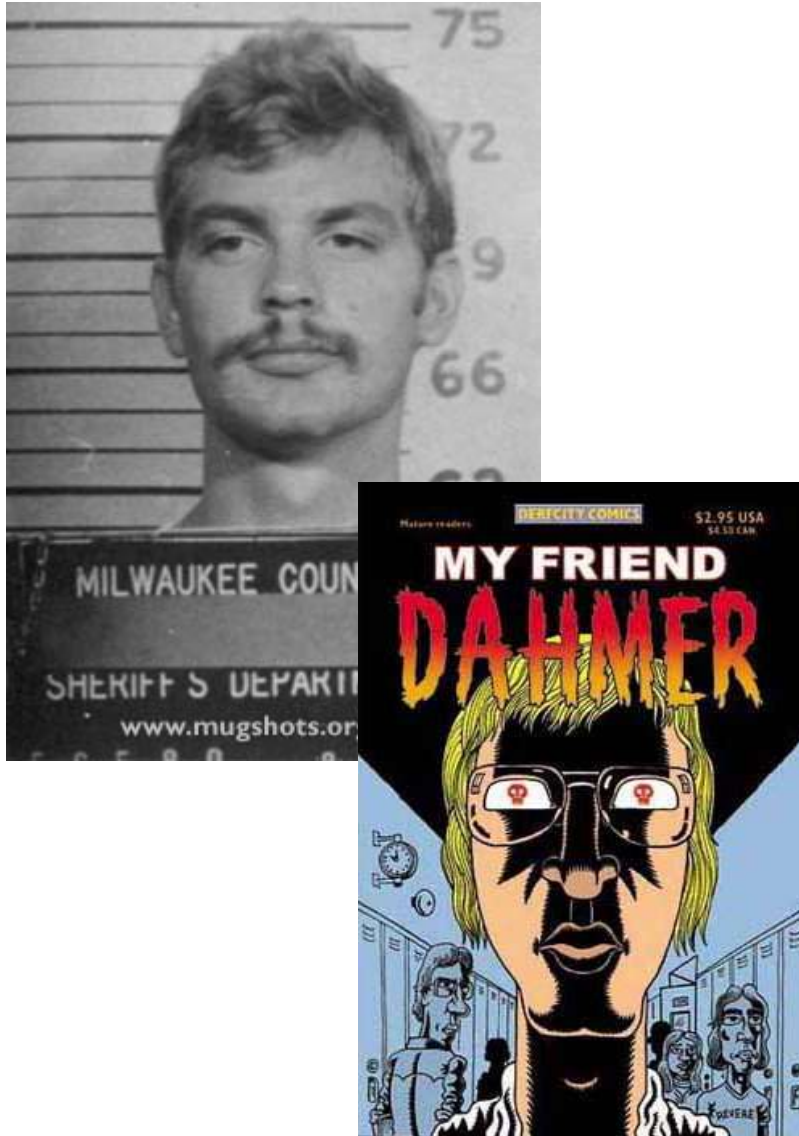
Serial Killers and Abuse of Animals

Theodore Robert "Ted" Bundy, was one of the most notorious murderers in US history. A serial killer, rapist, and necrophiliac, Bundy murdered scores of young women across the United States between 1974 and 1978. After more than a decade of vigorous denials, Bundy eventually confessed to over 30 murders. Bundy claimed that his grandfather, with whom Bundy spent time as a child, tormented animals. Evidence linked Bundy to graves "filled with animal bones."



Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals



Dahmer, an American serial killer, murdered and raped 163 men and boys between 1978 and 1991. His murders were particularly gruesome, involving acts of necrophilia, dismemberment and cannibalism.

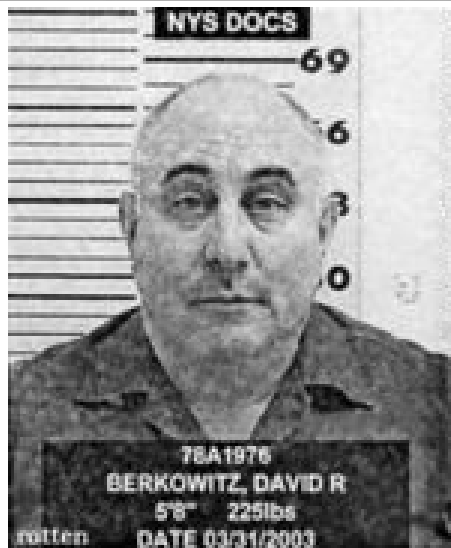
As a teenager he kept dogs and cats impaled on sticks and stakes to trees. He preserved animal skeletons in a backyard shed.

Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals



Born Richard David Falco, the "Son of Sam", confessed to killing thirteen people and wounding several others in New York City in the late 1970s. Berkowitz shot the neighbor's Labrador Retriever "Harvey" in 1976. He claimed Harvey was a "demon dog", and that it barked out orders, telling him to murder young women (later found untrue).



Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals

- April 1999/Littleton, Colo. Eric Harris and Dylan Klebold shot to death 12 fellow students and a teacher and injured more than 20 others. Both teens had reportedly boasted about mutilating animals.
- May 1998/Springfield, Ore. Kip Kinkel, 15, killed his parents and opened fire in his high school cafeteria, killing two and injuring 22 others. He had a history of animal abuse and torture, having boasted about blowing up a cow and killing cats, chipmunks, and squirrels by putting lit firecrackers in their mouths.

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

- March 1998/Jonesboro, Ark. Mitchell Johnson, 13, and Andrew Golden, 11, pulled their school's fire alarm and then shot and killed four classmates and a teacher. Golden reportedly used to shoot dogs "all the time with a .22."
- December 1997/West Paducah, Ky. Michael Carneal, 14, shot and killed three students during a school prayer meeting. Carneal had been heard talking about throwing a cat into a bonfire.

Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals

- October 1997/Pearl, Miss. Luke Woodham, 16, shot and killed two of his classmates and injured seven others after stabbing his mother to death. **Woodham's journal revealed that, in a moment of "true beauty," he and a friend had beaten, burned, and tortured his own dog, Sparkle, to death.**

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



"All this did is spawn in me the urge to kill again. I began to think of what it would be like to kill a human being. The thought stayed with me for years, until one night it happened. I killed a woman by beating her almost to death and finished her off by strangulation. No longer did I search for animals to mistreat. I now looked for people to kill. And I did. I killed over and over until I was caught. Now I'm paying for it with the rest of my life behind bars. We should stop the cruelty to anything before it develops into a bigger problem, like me."

serial killer Keith Jespersen

Prosecution of Animal Cruelty

Serial Killers and Abuse of Animals

- **Erick Smith**, convicted of murder at age 13 in the 1993 killing of a four-year-old neighbor. The victim had been choked, struck repeatedly on the head and sodomized with a stick.
- Smith reportedly wet his bed until age 11, choked a neighbor's cat to death at 9, started a kitchen fire in the middle of the night and burned the nose of a friend while he slept.



- 
- Florida Shooter

Prosecution of Animal Cruelty Cases

- Important in and of themselves
- However, also important because of the link
- Also due to recanting of DV victims
- Can prevent crimes against humans or lead to discovery of crimes against humans

Challenges . . .

- Successful prosecution often requires specialized knowledge:
 - Relevant laws (state and local and federal)
 - Veterinary medicine
 - Veterinary forensics
 - Animal care
 - Practices used in crimes against animals such as dog fighting and cockfighting

. . . and More Challenges

- Judges
- Officers
- Other prosecutors
- Defense attorneys
- The law itself: animal = toaster
- . . . yet public outcry
- Community standards for what is reasonable care changing yet...

WHAT WE SEE




Examples of “The LINK”

- Jeb R. G.



- 911 call (PLAY)
- [..\R15000004560 911 232240 \(Redacted\).wav](#)
- [..\R15000004560 911 232902 \(Redacted\).wav](#)
- Almost killed dog
- Choked to point of defecation
- Black eyes, bruises and lacerations to victim

- 
- DOV 3/18/2015
 - 3/21/15: no longer wishes to prosecute
 - VIS
 - Lethality assessment

Another Example















Additional Layers - *How Misdemeanor Can Become A Felony*

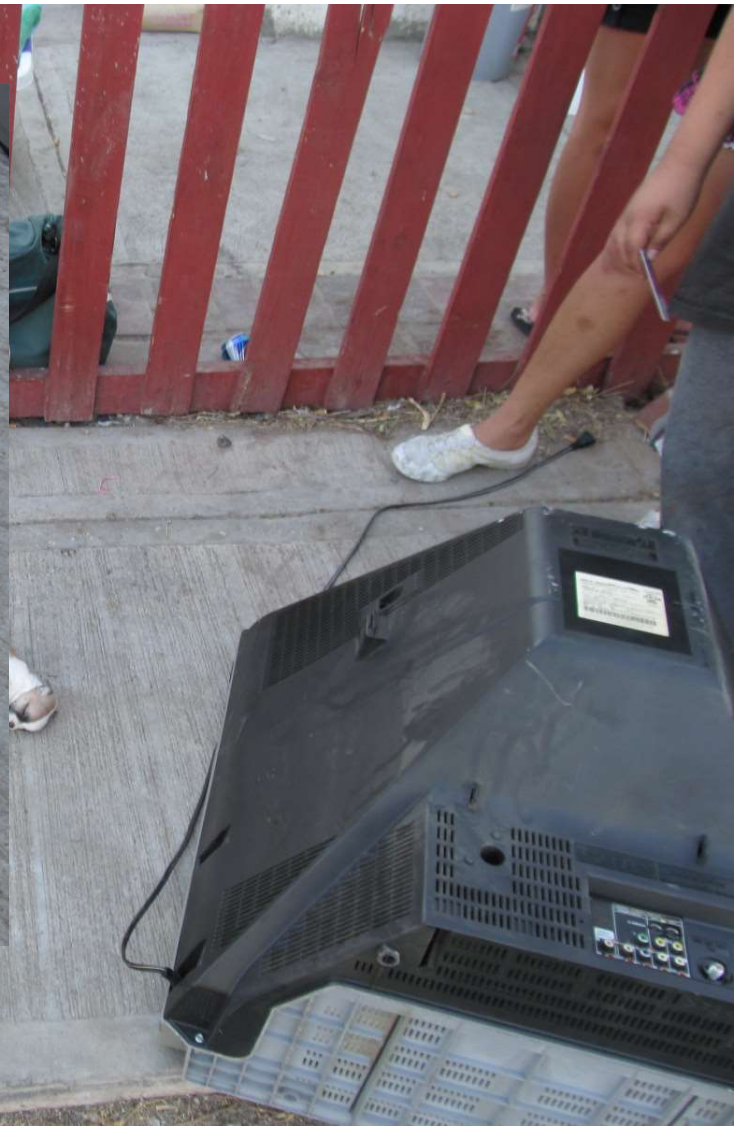
- James Holmes
 - Psychiatrist

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- Casey's two DV cases from 2017

Additional Layers – *Law Enforcement/The Bench*







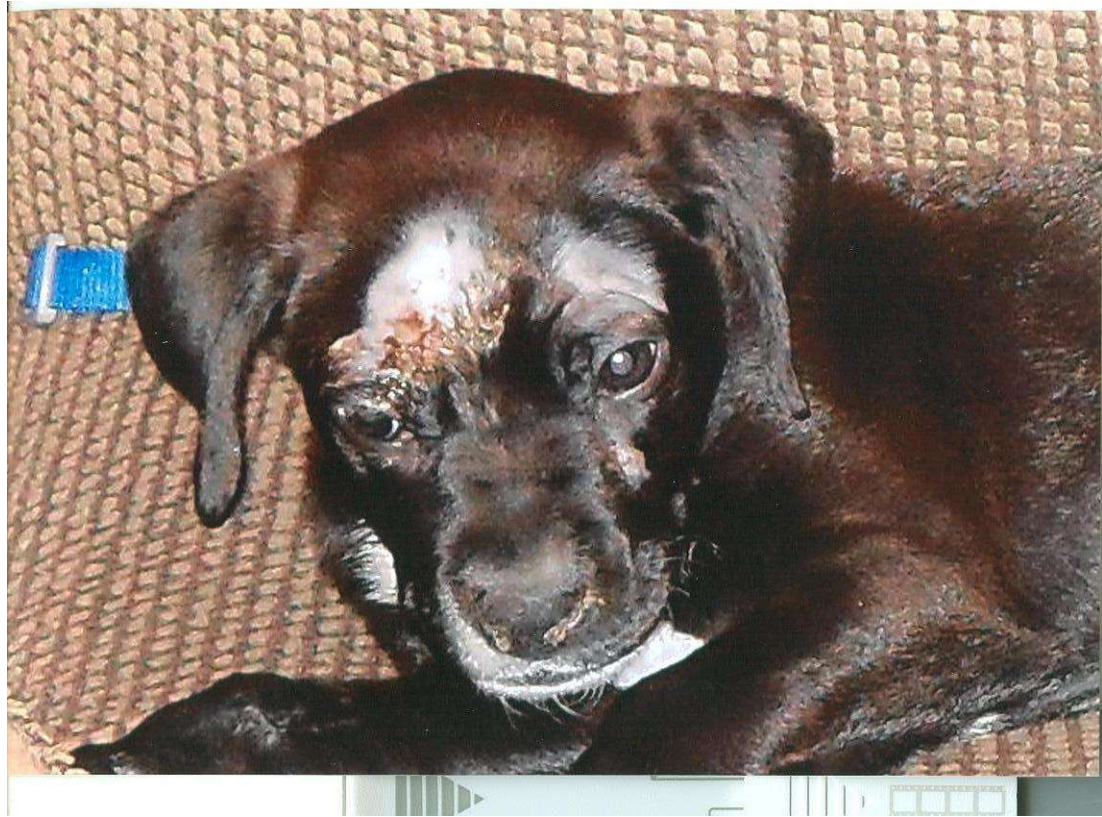
Other issues – Child Neglect

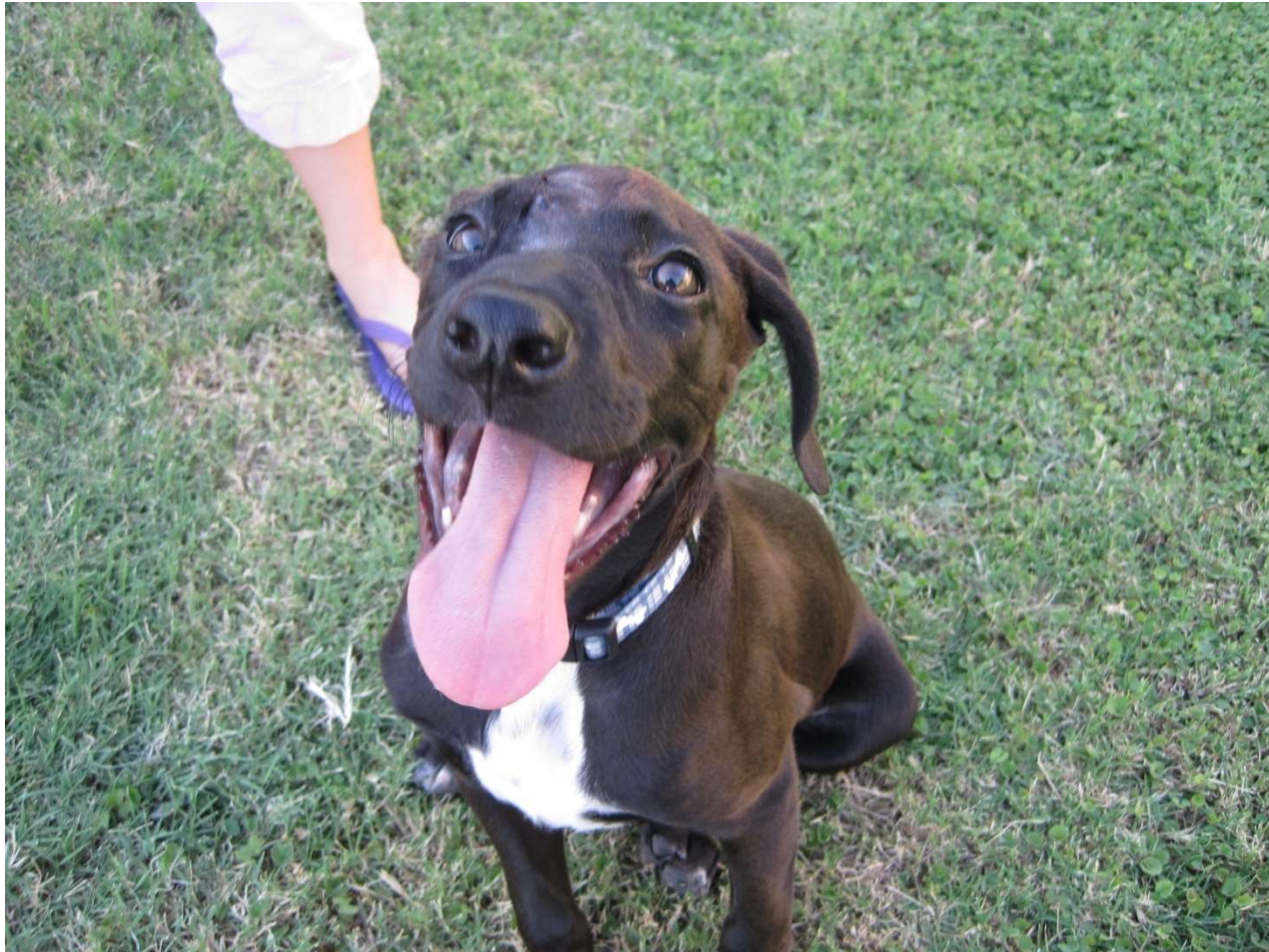
- Melissa Chamblee
 - Animal and child neglect





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- A year prior . . .



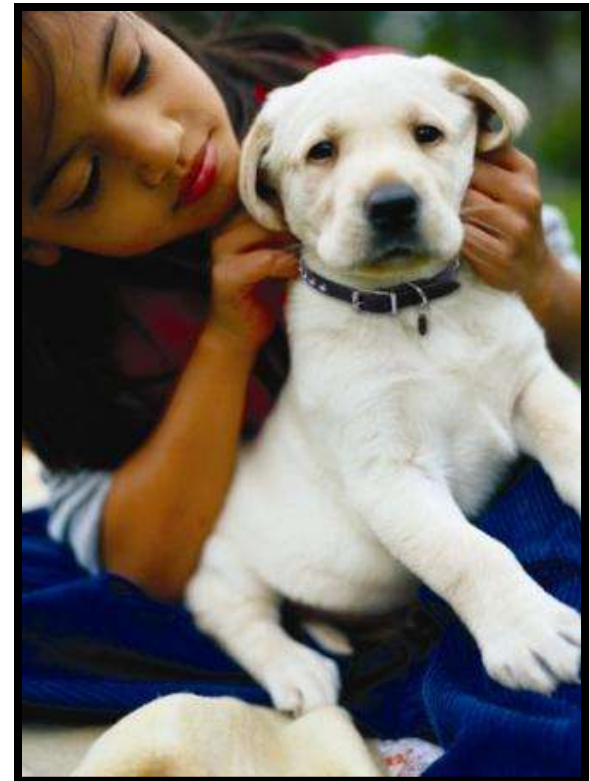




SOLUTIONS

What is being done to address “The LINK?”

- Creative Charging
- Education/Prevention
- Legislation/Enforcement
- Advocacy
- Treatment





Creative Charging

- Case Examples
 - Fraud Schemes
 - Dairy Farm case, adding in human victims
 - Dangerous charging
 - Theft
 - Unlawful discharge of a firearm
 - Disorderly Conduct
 - Gang Allegation

Creative Charging

- A.R.S. § 13-3601: "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, **section 13-2910, subsection A, paragraph 8 or 9**, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

Plea/Probation Terms

- Defendant shall be placed on supervised probation, the terms of which shall include: (1) Defendant shall not own, possess, transport, harbor, supervise, or have under his custody or control, an animal of any type. Defendant shall not have an animal of any type located on any property on which he resides, rents, or owns. Defendant shall make accommodations for any animals currently living on his property within THREE months of the Change of Plea date; (2) Defendant shall attend Anger Management Counseling; (3) Defendant shall forfeit all interest in the animals seized in Phoenix Police Department Departmental Report No. XXXXXX; and (4) Defendant shall pay restitution in an amount no less than \$1,410.00, but to exceed \$75,000.00, for all economic loss arising out of Phoenix Police Department Departmental Report No. XXXXXX, even if a count is amended, modified or dismissed pursuant to this plea agreement. Defendant shall pay restitution to the Arizona Humane Society in the amount of \$1,410.00, for all investigation costs and any and all economic expenses incurred regarding treatment, housing, and euthanizing of the animals seized as a result of the Defendant's actions. This amount shall be ordered at sentencing.

Sentencing Memorandums - Educate

- Important opportunity to impact the case judge and the rest of the bench
- File as early as possible
- Examples provided in your materials – disclaimer

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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

JOHN SMITH,

Defendant.

CR1234-567891-001 DT

STATE'S SENTENCING MEMORANDUM

(Assigned to the Honorable Judge _____)

The State of Arizona, by and through undersigned counsel, hereby submits this memorandum in anticipation of the sentencing hearing in this matter scheduled for November 21, 2014.

Submitted September 6, 2016.

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

STATE'S SENTENCING RECOMMENDATION

TO: The Honorable Judge
FROM: Samantha Caplinger, Deputy County Attorney
RE: State v. Jane Doe, CR1234-567891-001

DEFENDANT GUILTY OF:

Count 1: Cruelty to Animals, a class 6 undesignated felony; and Count 4: Cruelty to Animals, a class 1 misdemeanor.

FACTS:

On February 15, 2014, the Arizona Humane Society (AHS) received an anonymous call regarding an emaciated dog at Defendant's residence. A Field Investigator with the AHS went to Defendant's residence, along with several Phoenix Police Department (PPD) officers. They attempted to make contact with anyone inside the home, but no one answered the door. The AHS investigator peeked over a gate on the side of the residence and noticed the emaciated female dog, Isis. Isis and another female dog, China ran up to the gate where the investigator was standing. At the same time, an aggressive male dog slammed into the gate. The male dog started attacking Isis. While the investigator was trying to leave water she heard a small puppy crying. At this point, a number was obtained for Defendant and the investigator tried calling multiple times, without success.

A few minutes after the calls, Defendant returned home. Defendant agreed to surrender China, Isis and her three puppies. As Defendant was gathering the animals, she informed the investigator that two of the three puppies were now dead. Defendant claimed the puppies had been alive that morning. Upon investigation of Defendant's back yard it was discovered that there was shade available to the animals, and a bucket of water was left out. The bucket was a re-used laundry soap container, which was too tall for the puppies to drink from. See Attached Photos. The 5 dogs were turned over to AHS, and it was noted that all of the dogs were underweight. There was no food located on the property.

Defendant claimed she had lost her job and had no money to feed or care for her dogs. Defendant also mentioned she could not afford to get Isis spayed, which is why she had more puppies.

Tools – Order of Protection

- A.R.S. § 13-3602 (G)(7): Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.



Tools - Resources for Victims

- Sojourner Center and Lost Our Home Pet Foundation
- Gabriel's Angels

Team Approach

- Investigation/Prosecution Team
- Interagency Protocol, with clearly defined roles and responsibilities
- Task forces: ACT and APACT

Take the Lead

- SOP should be used
- SOP can be used to train LEOs at all levels and prosecutors
- Animal Cruelty crimes MUST be taken seriously
- Animal Crimes May be “Precursor Crimes”
- Not all animal abusers become mass murderers but some do!

Tools - Lethality Assessment

1. Has your partner ever threatened/used a weapon against you? YES
He told her he was going to use a gun and shoot her.
2. Has your partner ever threatened to kill you, your children or pets? YES
To kill her and her kitten. She has no children.
3. Has your partner ever tried to choke you? YES
With his hands but he left no marks.
4. Does your partner have a gun or can they get one? No
but he could get one.
5. Is your partner jealous or do they try to control you? YES
When they were together he did both.
6. Has your partner ever tried to commit suicide? NO
7. Has your partner ever forced you to have sex when you didn't want to? NO
8. Do you feel like the violence against you is escalating in severity? YES
Started with grabbing her arm and eventually he started saying he was going to kill her.
9. Do you think your partner may try to kill you? YES
Because of his threats to do so.
10. Is your partner drunk/high on drugs on a frequent basis? YES
He smokes marijuana and gets drunk a lot.

At the time of this investigation, my body worn camera was activated and my contact while on scene was both audio and video recorded. A Copy of the recording was later uploaded as evidence.

1. Has your partner ever threatened/used a weapon against you? NO

2. Has your partner ever threatened to kill you, your children or pets? YES

My dog, believes he is in secure and I am always putting the dog first. "I'm gonna turn that dog into f n pudding."

3. Has your partner ever tried to choke you? NO

4. Does your partner have a gun or can they get one? NO

5. Is your partner jealous or do they try to control you? YES

6. Has your partner ever tried to commit suicide? No

7. Has your partner ever forced you to have sex when you didn't want to? No

8. Do you feel like the violence against you is escalating in severity? Yes

Gone from verbal to physical, very hurtful and hurting my dog.

9. Do you think your partner may try to kill you? Yes

I don't know. That's the craziest party, I don't know.

10. Is your partner drunk/high on drugs on a frequent basis? No

Date of Interview: 11-7-2016
Time interview conducted: 0047
Name of person being interviewed: [REDACTED]

1. Has your partner ever threatened/used a weapon against you? YES
10 MONTHS AGO, REPORT WAS MADE. AFTER DRINKING HE CAME HOME AND I GAVE HIM A MASSAGE. HE SAID HE IS GOING TO JAIL FOR A DUI. HE SAID HE WAS GOING TO MURDER ME WHILE HE HAD A KNIFE IN HIS HAND. ASKED ME IF I WAS SCARED AND THEN HE WENT TOWARDS WHERE A GUN IS KEPT. GRABBED A GUN AND POINTED IT AT MY FACE. I WAS ABLE TO GET IN MY CAR AND LEAVE TO TUCSON. POLICE WERE CALLED ABOUT AN HOUR LATER
 2. Has your partner ever threatened to kill you, your children or pets? YES
TONIGHTS INCIDENT HE THREATEND TO KILL MY PETS. SEE ALSO QUESTION ONE
 3. Has your partner ever tried to choke you? YES
BACK IN MAY HE HAD ME IN A CHOKE HOLD AGAINST A WALL
 4. Does your partner have a gun or can they get one? YES
 5. Is your partner jealous or do they try to control you? YES
STARTED A BUISNESS THAT TAKES TIME. HE IS JEALOUS OF MY TIME. WANTS ALL MONEY GOING THROUGH JOINT ACCOUNTS. HE SHUT MY PHONE OFF WHEN I TRID TO CALL THE POLICE
 6. Has your partner ever tried to commit suicide? NO
N/A
N/A
 7. Has your partner ever forced you to have sex when you didn't want to? YES
WHEN HE IS DRUNK I DONT WANT TO HAVE SEX BUT HE INSISTS. DUE TO A MEDICAL CONDITION IT MAKES INTERCOURSE UNCOMFORTABLE AND HE STILL INSISTS ON HAVING SEX
 8. Do you feel like the violence against you is escalating in severity? YES
-

Date of Interview: 05-05-2014

Time interview conducted: 1734

Name of person being interviewed: Jennifer ...

1. Has your partner ever threatened/used a weapon against you? YES

Has happened over fifty (50) times. the most recent was with a cell phone. He hit me across the back with the phone along with his fists. He also used knives before. He cut me on the left leg.

2. Has your partner ever threatened to kill you, your children or pets? YES

He has threatened to take the children out of the equation. One time when I left he called and said the cats would be gone if you don't come home. He threatens me all the time. He says i'm going to kill you if you leave. I'm going to kill you if you leave me.

3. Has your partner ever tried to choke you? YES

Last night (5-4-14) he tried to choke me from behind with his hands. He tiold me last night that his hands don't work so next time he would try with a strangle rope.

4. Does your partner have a gun or can they get one? YES

5. Is your partner jealous or do they try to control you? NO

He locks me into bedrooms and closets. He controls my job, the money, leases, and anything he can.

6. Has your partner ever tried to commit suicide? YES

He said he needed all of this to be over. Has not said how he would do it. I don't take him seriously. Has not said how.

7. Has your partner ever forced you to have sex when you didnt want to? YES

He held me down with my face down while he is behind me aand raped me from behind.

8. Do you feel like the violence against you is escalating in severity? YES

It used to be certain things that would set him off and now it seems like everything is OK and then he just lets it out.

9. Do you think your partner may try to kill you? YES

No answer chosen

SUPPLEMENT TO DR#15-0000
-LETHALITY ASSESSMENT

Date of Interview: 8/01/2015

Time interview conducted: 0309

Name of person being interviewed: REBECCA

1. Has your partner ever threatened/used a weapon against you? YES

REBECCA STATED IF I EVER LEFT ANTHONY HE WOULD KILL ME AND HIMSELF

2. Has your partner ever threatened to kill you, your children or pets? YES

"NOT THE CHILDREN"...REBECCA ADVISED ANTHONY HELD THE FAMILY CAT OVER THE STAIR CASE THREATENING TO DROP THE CAT.

3. Has your partner ever tried to choke you? YES

3 TIMES IN TOTAL. 1) APPROACHED REBECCA FROM BEHIND AND PLACED HER IN A "HEADLOCK". 2) IN JUNE ON A FAMILY TRIP REBECCA WAS LYING ON HER BACK ON THE BED WHILE ANTHONY WAS KNEELING ON TOP OF HER CHOKING HER WITH BOTH OF HIS HANDS. 3) 10 YEARS AGO ANTHONY CHOKED REBECCA USING HIS HANDS WHILE SHE WAS PRESSED UP AGAINST THE WALL.

4. Does your partner have a gun or can they get one? YES

5. Is your partner jealous or do they try to control you? YES

ANTHONY CONTROL REBECCA'S MONEY. ANTHONY CHECKS REBECCA'S CELL PHONE (TEXT), LAP TOP (EMAILS) AND PURSE FOR RECEIPTS.

6. Has your partner ever tried to commit suicide? NO

REBECCA ADVCD DURING THIS INCIDENT ANTHONY STATED HE WAS GOING TO PUT A HOLLOW POINT ROUND IN HIS GUN AND GIVE REBECCA THE GUN TO PULL THE TRIGGER. ANTHONY MADE STATEMENTS BUT NEVER ATTEMPTED.

7. Has your partner ever forced you to have sex when you didn't want to? YES

ANTHONY "WOULD BASICALLY HELD ME DOWN, MOSTLY FROM BEHIND"

Date of Interview: 3/20/2016

Time interview conducted: 2120

Name of person being interviewed: Brittany

1. Has your partner ever threatened/used a weapon against you? NO

N/A

2. Has your partner ever threatened to kill you, your children or pets? YES

Pets only. Kicked dog very hard which required surgery 7 years ago.

3. Has your partner ever tried to choke you? YES

Brittany was on Facebook and Matthew became jealous and pinned her against wall with his hand around her neck. Brittany could breathe with ease. Approx. 7 years ago

4. Does your partner have a gun or can they get one? NO

5. Is your partner jealous or do they try to control you? NO

Yes however she doesn't remember the details

6. Has your partner ever tried to commit suicide? YES

Attempted suicide in the past using illicit drugs

Heroin/ Opiates

7. Has your partner ever forced you to have sex when you didn't want to? NO

No answer chosen

8. Do you feel like the violence against you is escalating in severity? YES

Brittany stated Matthew has never thrown a rock at the house before.

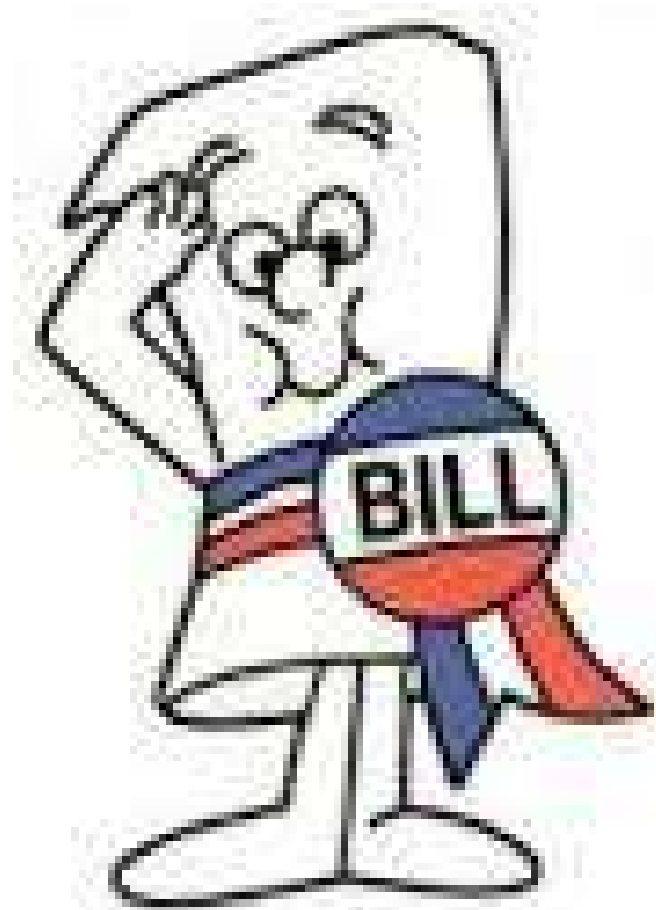
9. Do you think your partner may try to kill you? NO

No answer chosen

10. Is your partner drunk/high on drugs on a frequent basis? YES

Yes and Matthew has a history of Opiate use and heroin addiction

Arizona Legislation



Other Legislation

- Connecticut and Appointment of Advocates for Abused Animals
- Class 5 felony
- Agricultural animals

National Solutions

Policy changes in law and practice: (Ascione, Shapiro 2009)

- Humane education
 - primary schools
 - secondary schools
- Advanced degrees at undergraduate/graduate levels; i.e. human-animal studies, animal law.
- Increased research: assessing and prevention.
- Anti-animal abuse laws: 47 states have felony laws.
- Secondary prevention programs for identified at-risk youth: Gabriel's Angels, Forget Me Not Farms, People & Animals Learning, Project Second Chance, Strategic Human Intervention Program, Green Chimney Children's Residential Treatment Program.
- Tertiary prevention programs for identified at-risk youth.

(Continued)

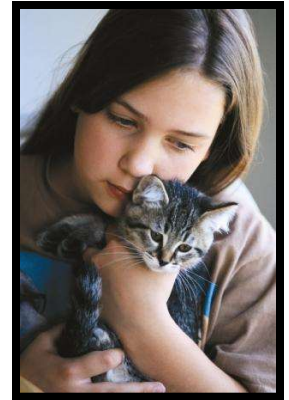
National Solutions

Policy changes *(continued)*

- Networking of community stakeholders (Link groups)
 - Creating “safe havens” for domestic violence victims’ animals.
 - Collaborate to protect victims, AZ law update.
 - Cross-reporting and cross-training.
 - Sojourner and Lost Our Home



National Solutions



Policy changes *(continued)*

- Mandated counseling for animal abusers - 27 states.
(Ascione, 2009)
- Treatment models for perpetrators:
 - Ani-Care Model of Treatment for Animal Abusers
(Jory & Randour, 1999)
 - Children & Animals Together Assessment & Diversion Program
(White, 2010)

Animal Abuse Registry

NEW YORK

Suffolk County, NY Creating Nation's First Public Database Tracking Animal Cruelty Offenders, By FRANK ELTMAN, Posted: 10/14/2010, Huffington Post

FARMINGVILLE, N.Y. — You've heard of Megan's Laws, designed to keep sex offenders from striking again. Now there's a law created in the hope of preventing animal abusers from inflicting more cruelty – or moving on to human victims. Suffolk County, on the eastern half of Long Island, moved to create the nation's first animal abuse registry this week, requiring people convicted of cruelty to animals to register or face jail time and fines. **"We know there is a very strong correlation between animal abuse and domestic violence,"** said Suffolk County legislator Jon Cooper, the bill's sponsor. **"Almost every serial killer starts out by torturing animals, so in a strange sense we could end up protecting the lives of people."**

The online list will be open to the public, so that pet owners or the merely curious can find out whether someone living near them is on it. Some animal abusers have been known to steal their neighbors' pets.

Cooper is also pushing legislation that would bar anyone on the registry from buying or adopting a pet from a shelter, pet shop or breeder.

The law was prompted by a number of animal abuse cases in recent months, including that of a Selden woman accused of forcing her children to watch her torture and kill kittens and dozens of dogs, then burying the pets in her backyard . . .



Animal Abuse Registry

- Tennessee
- Cook County

Point of View

- **Education, enforcement, awareness**
- **First victim of domestic violence may be the animals in the household**
- **Victimization prevention may begin with competent animal cruelty investigation**

Our Role

- Take charge!!!
- Take it seriously and take on the role!!!!
- Review relevant animal cruelty and agricultural laws and definitions in your jurisdiction
- Identify resources on this connection in your community (humane agents, animal control officers, veterinary professionals, social service agencies)
- Require therapeutic evaluations and interventions
- Be receptive to outreach from animal protection professionals/Prevention Program
- Create or support cruelty taskforce

Resources

- ALDF
 - Necropsy fund
 - Motion bank
 - Assistance with drafting motions
- Midwestern Vet School
- University of Arizona

Resources - ALDF

- **ALDF will pay for costs of prosecution including necropsies, other lab work and in some circumstances expert witnesses- for cases that have been charged or for which there is a suspect with probable cause and intent to charge. ALDF may provide funding for necropsies and other lab work (up to \$5,000). Prosecuting or investigating agency should contact Lora Dunn to confirm requirements. ALDF will need documentation of the charges for its records, that will help ensure swift payment.**
-
- **ALDF attorneys (many former prosecutors) will also assist with legal research on the case.**
-
- **[Lora Dunn](#)**
- **Director Criminal Justice Program**
- **Animal Legal Defense Fund | aldf.org**
- **ldunn@aldf.org | 503-231-1602 x 307**

Resources – U of A

-
- **University of Arizona Veterinary Diagnostics Lab-**
<http://azvdl.arizona.edu/necropsy>
- **2831 N Freeway, Tucson, AZ 85705**
- **Phone: (520) 621-2356**

Resources - Midwestern

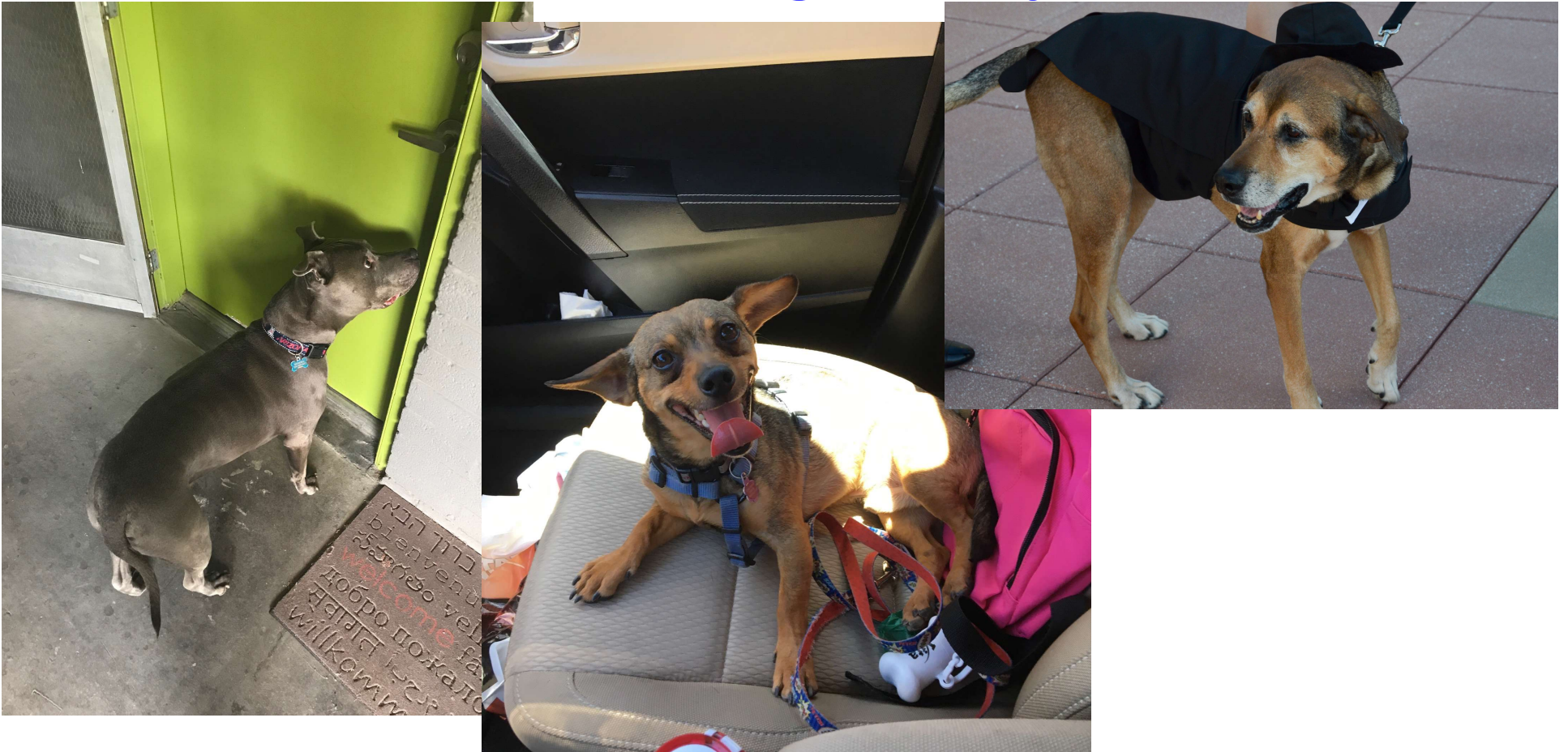
- Diagnostic Pathology Center (DPC), housed on Midwestern University's Glendale campus, is part of the Department of Pathology and Population Medicine in the College of Veterinary Medicine -
<https://www.mwuanimalhealth.com/diagnostic-pathology-center>
- *Midwestern University Diagnostic Pathology Center*
5725 W. Utopia Road Glendale, AZ 85308
P: 623.806.7540
F: 623.806.7562
E: vetpath@midwestern.edu-

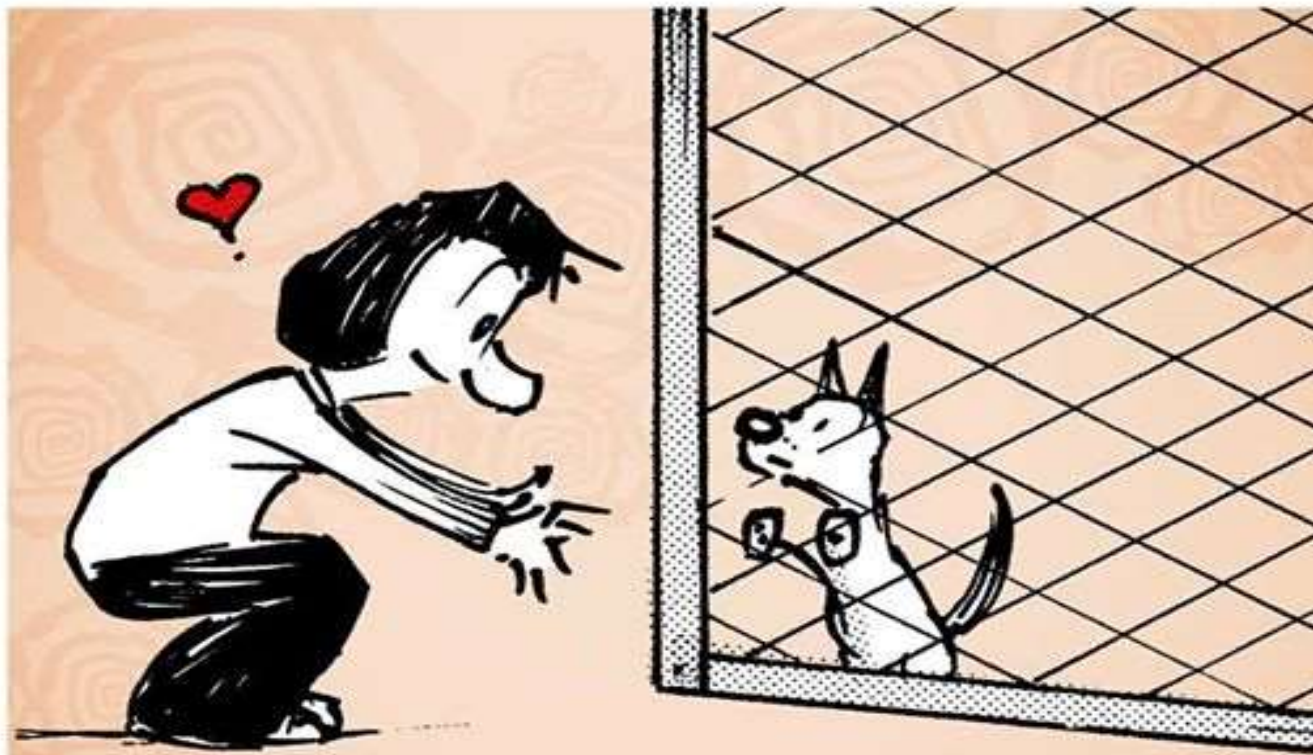
Resources

- Join the National Link Coalition and sign up for their free newsletter www.nationallinkcoalition.org
- Juvenile & Family Justice, TODAY, A Publication of the National Council of Juvenile and Family Court Judges, Spring 2010
<https://awionline.org/sites/default/files/uploads/legacy-uploads/documents/DV-NCJFCJArticleSpring2010-040611-1302122112-document-38932.pdf>
- Understanding The Link between Violence to Animals and People; A Guidebook for Criminal Justice Professionals, Allie Phillips, J.D.
<http://ndaa.org/pdf/The%20Link%20Monograph-2014.pdf>

The Best Resources

- Casey Mundell, mundellc@mcao.maricopa.gov
- Samantha Caplinger, caplings@mcao.maricopa.gov
- Alison Ferrante, alison.ferrante@mesaaz.gov





Not all of us can do great things.
But we can do **small things with great love.**

Mother Teresa